

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HUSSEIN AL-GHUMGHAM,

Plaintiff,

vs.

Case No. _____

WALMART INC.,

L.C. Case No. 21-007901-NO

Defendant.

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**DEFENDANT WAL-MART
STORES EAST, LP'S NOTICE OF REMOVAL**

NOW COMES, Defendant, WAL-MART STORES EAST, LP, ("Defendant Wal-Mart"), incorrectly designated in the caption of Plaintiff's Complaint as WALMART INC.¹, by and through its attorneys, ZAUSMER, P.C., and hereby

¹ For purposes of this lawsuit, the correct legal entity is WAL-MART STORES EAST, LP. Defendant Wal-Mart has requested that Plaintiff modify the caption to dismiss the incorrect Wal-Mart legal entity (i.e., WALMART INC.). Plaintiff has agreed to modify the caption and dismiss the incorrect Wal-Mart legal entity, and the Stipulated Order to Modify the Caption was {03745893}

removes this case from Wayne County Circuit Court, pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), for the reason that diversity of citizenship exists between the Plaintiff, HUSSEIN AL-GHUMGHAM (“Plaintiff”), a citizen and resident of Wayne County in the State of Michigan, and Wal-Mart Stores East, LP organized under the laws of the State of Delaware with its principal place of business in Bentonville, Arkansas. (See Paragraph One of Plaintiff’s Complaint, attached as **Exhibit “A”**.) Service has been effectuated upon Plaintiff, and in support of its Notice of Removal of this action, Defendant Wal-Mart states the following:

1. This action is pending in the Wayne County Circuit Court in the State of Michigan. The Complaint was filed with the Circuit Court on or around June 29, 2021. (See Plaintiff’s Complaint, attached as **Exhibit "A"**.)
2. Defendant Wal-Mart was served with Plaintiff’s Summons and Complaint by Certified Mail on July 13, 2021. (See Service of Process Transmittal Form, attached as **Exhibit "B"**).
3. This Notice of Removal is filed within thirty (30) days after Defendant Wal-Mart was served with the Summons and Complaint, in compliance

submitted to the Wayne County Circuit Court efilng system on August 4, 2021. To date, the Parties are waiting for the Order to be entered by the court.

with 28 U.S.C. §1446(b). Pursuant to 28 U.S.C. §1446(a), a copy of the Complaint is attached as **Exhibit "A"**.

4. This Court has jurisdiction over this action, pursuant to 28 U.S.C. §1332. Jurisdiction exists because the parties are respectively citizens of different states and the amount in controversy alleged in the Complaint, exclusive of costs, allegedly exceeds Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars.

- A. Based on the allegations in the Complaint, Plaintiff is a citizen of the County of Wayne, State of Michigan. (See Plaintiff's Complaint at Paragraph One, attached as **Exhibit "A"**.)
- B. Defendant, WAL-MART STORES EAST, LP, is a Limited Partnership organized under the laws of the State of Delaware, with its principal place of business in Bentonville, Arkansas. Defendant Wal-Mart is not a citizen of the State of Michigan.
- C. Defendant, WAL-MART STORES EAST, LP'S limited and general partners are not citizens of the State of Michigan:
 - General Partner
WSE Management, LLC
702 S.W. 8th Street
Bentonville, Arkansas 72716-0555
WSE Management, LLC is a Delaware Limited Liability Company with a principal place of business in Bentonville, Arkansas.
 - Limited Partner
WSE Investment, LLC
702 S.W. 8th Street
Bentonville, Arkansas 72716-0555

WSE Investment, LLC is a Delaware Limited Liability Company with a principal place of business in Bentonville, Arkansas.

- D. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC (formerly known as Wal-Mart Stores East, Inc.), an Arkansas Limited Liability Company. The principal place of business for the aforementioned entities is Bentonville, Arkansas. Wal-Mart Stores, Inc. is the sole member of Wal-Mart Stores East, LLC, and is a corporation organized under the laws of the State of Delaware, whose principal place of business is in the State of Arkansas.
- E. Further, according to the allegations in Plaintiff's Complaint, the amount in controversy, exclusive of interest and costs, is in excess of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars. Specifically, Plaintiff alleges, *inter alia*, in his Complaint, that he sustained serious and disabling injuries, including, but not limited to:
 - i. Closed head injury;
 - ii. PTSD;
 - iii. Severe headaches;
 - iv. Light sensitivity;
 - v. Memory loss;
 - vi. Pain and suffering (past and future);
 - vii. Mental anguish (past and future);
 - viii. Fright and shock;
 - ix. Disability, humiliation and embarrassment;

- v. Denial of social pleasures and enjoyments;
- vi. Past and future medical bills; and
- vii. Loss of wage earning capacity and future wages.

(See Plaintiff's Complaint at Paragraphs 12 and 13 (p. 3), attached as **Exhibit "A"**.)

F. Additionally, Defendant Wal-Mart has requested that Plaintiff cap his alleged damages claim at Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars or less. (See Correspondence to Plaintiff's Attorney, dated July 19, 2021, attached as **Exhibit "C"**.) However, to date, Plaintiff has declined to cap his alleged damages claim because he believes, at this juncture, his alleged damages are in excess of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars. (See Email from Plaintiff's Attorney, dated August 3, 2021, attached as **Exhibit "D"**.)

6. For purposes of diversity of jurisdiction, a corporation is a citizen of “any State by which it has been incorporated and of the State where it has its principal place of business ...” See *Delphi Automotive Systems, LLC v. Segway Inc.*, 519 F.Supp.2d 662, 665 (E.D. Mich. 2007).

7. In view of the above, there is complete diversity of citizenship between the parties.

8. Accordingly, based on the information known to date, this action may be removed from State Court to Federal Court, pursuant to 27 U.S.C. §§ 1332 and 1446(b). Defendant Wal-Mart will file a copy of this Notice of Removal with the

Clerk of the Wayne County Circuit Court in the State of Michigan. Further, Defendant Wal-Mart will serve copies of this Notice on Counsel of record for Plaintiff.

Respectfully Submitted,

ZAUSMER, P.C.

/s/ Nicole M. Wright

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Dated: August 12, 2021

CERTIFICATE OF SERVICE

I hereby certify that on **August 12, 2021**, I electronically filed the foregoing paper with the Clerk of the Court, using the ECF system and copies of such documents were served upon the following individuals by U.S. Mail:

Nehme Bazzi, Esq.
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Dearborn, MI 48126

/s/ Nicole M. Wright

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